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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ZACHARY IRWIN POND,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON,

12 Defendants.

CASE NO. 3:21-cv-05339-BJR-JRC

ORDER ON REVIEW DECLINING
TO RECUSE

13 On April 8, 2022, Judge Creatura issued an Order declining to recuse himself in response
14 to Plaintiff's "Request for Dispositive Review due to Judicial Misconduct." Dkts. #62 and #63.
15 In accordance with this Court's Local Rules, this Order was referred to the Chief Judge for
16 review. *See* LCR 3(e).

17 A judge of the United States shall disqualify himself in any proceeding in which his
18 impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall
19 disqualify themselves in circumstances where they have a personal bias or prejudice concerning
20 a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28
21 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a
22 district court makes and files a timely and sufficient affidavit that the judge before whom the
23 matter is pending has a personal bias or prejudice either against him or in favor of any adverse
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1 party, such judge shall proceed no further therein, but another judge shall be assigned to hear
2 such proceeding.” “[A] judge's prior adverse ruling is not sufficient cause for recusal.” *United*
3 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
4 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an
5 extrajudicial source.”).

6 The Court has reviewed Mr. Pond’s Motion. He argues Judge Creatura has engaged in
7 misconduct and abuse of discretion with “almost every ruling.” Dkt. #62 at 1. Judge Creatura is
8 correct that dissatisfaction with prior judicial rulings is not sufficient cause for recusal. *See*
9 *Studley, supra*. Mr. Pond fails to otherwise set forth a basis to reasonably question Judge
10 Creatura’s impartiality.

11 Accordingly, the Court hereby finds and ORDERS that Judge Creatura’s refusal to
12 recuse himself from this matter is AFFIRMED. The Clerk is directed to refer this case and all
13 pending Motions back to Judge Creatura.

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15 DATED this 26th day of April, 2022.

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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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